

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

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Hector Rivera

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## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Gilberto ROJAS-PEREZ

Case: 2:24-mj-30071

Case No. Assigned To : Unassigned

Assign. Date : 2/26/2024

CMP USA V ROJAS-PEREZ (LH)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 22, 2024 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*

Title 8, United States Code, Section 1326(a)

*Offense Description*

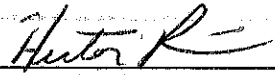
Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about February 22, 2024, in the Eastern District of Michigan, Southern Division, Gilberto ROJAS-PEREZ, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about September 20, 2022, at or near Harlingen, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.


Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: February 26, 2024City and state: Detroit, MI


Complainant's signature

Hector Rivera, Deportation Officer

Printed name and title



Judge's signature

Anthony P. Patti, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

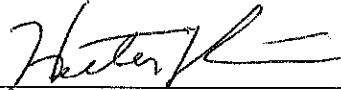
1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since February 2007. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records relating to Gilberto ROJAS-PEREZ, which reveal the following:
2. Gilberto ROJAS-PEREZ is a forty-four-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On September 12, 2000, the United States Border Patrol encountered ROJAS-PEREZ at or near Progreso, Texas and voluntarily returned him back to Mexico on the same date.
4. On November 16, 2010, the 52-3 District Court convicted ROJAS-PEREZ for Operating Impaired in violation of Michigan Compiled Law (MCL) 257.6263-A. The court imposed a fine of \$842.
5. On March 09, 2011, ICE ERO arrested ROJAS-PEREZ at or near Detroit, MI and served him with an I-862 (Notice to Appear).
6. On November 30, 2011, the Calhoun County, Michigan Sheriff Department arrested ROJAS-PEREZ for Forgery and Counterfeiting. On February 02, 2012, the case was dismissed in the 37th Circuit Court, Michigan.
7. On February 28, 2018, the Detroit Police Department arrested ROJAS-PEREZ for a Weapons Offense. On May 11, 2018, ROJAS-PEREZ failed to appear for a calendar conference and a bench warrant was issued. The docket entries reflect a second failure to appear on July 24, 2018. On April 30, 2019, the 3rd Circuit Court, Michigan dismissed the case.

8. On August 21, 2019, an Immigration Judge granted ROJAS-PEREZ a voluntary departure from the United States. ROJAS-PEREZ reserved appeal of the Immigration Judge's decision and filed an appeal to the Board of Immigration Appeals on September 12, 2019. On June 27, 2022, the Board of Immigration Appeals dismissed the appeal and reinstated voluntary departure for 60 days until August 26, 2022. On August 27, 2022, a final order of removal issued because ROJAS-PEREZ did not depart the United States on or before August 26, 2022.
9. On September 07, 2022, the Detroit Police Department arrested ROJAS-PEREZ on a Weapons Offense-Carrying Concealed, and Dangerous Drugs-Possession of Methamphetamine/Ecstasy and Traffic Offense charges.
10. On September 11, 2022, ICE ERO encountered ROJAS-PEREZ at the Detroit Detention Center upon release of local custody. ROJAS-PEREZ had an active hold of an ICE Detainer following an arrest for Dangerous Drugs, Weapons Offense, and a Traffic Violation. ICE ERO arrested ROJAS-PEREZ at DDC and transported him to the Detroit Field Office. ICE ERO processed ROJAS-PEREZ as a final order of removal (bag and baggage).
11. On September 20, 2022, ICE ERO removed ROJAS-PEREZ to Mexico via Harlingen, Texas.
12. On September 27, 2022, the 36th District Court dismissed the Weapons Offense and Dangerous Drugs charges without prejudice because ICE removed ROJAS-PEREZ to Mexico. On February 15, 2023, the 36th District Court issued a Criminal Bench Warrant for Failure to Appear on the Traffic Offense charge.
13. On February 22, 2024, the ERO Detroit North Team traveled to a residence at or near S. Sloan Street and Thaddeus Street, Detroit MI, in search of Gilberto ROJAS-PEREZ. At approximately 9:00 a.m., a male subject matching the physical description of ROJAS-PEREZ exited the residence and departed on a green colored bicycle southbound arriving at a nearby residence at or near Harbaugh Street and Thaddeus Street in Detroit, MI. Officers observed ROJAS-PEREZ depart the residence on a motorbike. Officers initiated a vehicle stop on the motorbike to identify the driver of the vehicle based on the reasonable suspicion that the individual matched the description of the target and was seen earlier exiting the target's last known residence. ROJAS-PEREZ tried to flee by cutting through an alleyway and entering the backyard of a

residence located around Harbaugh Street and Thaddeus Street to evade Officers. Officers initiated a foot pursuit wearing DHS/ICE/ERO issued vest in high visibility while announcing "Stop" "Police". Officers encountered and arrested ROJAS-PEREZ without incident.

14. ROJAS-PEREZ provided a Mexico ID bearing the name and photo of Gilberto ROJAS-PEREZ, and stated he is a citizen and national of Mexico, establishing probable cause to arrest ROJAS-PEREZ as he is not in possession of valid immigration documents allowing him to be or remain in the United States legally. Officers transported ROJAS-PEREZ to the field office for processing, without incident.
15. On February 22, 2024, Gilberto ROJAS-PEREZ's, DOB: XX/XX/1979, AXXX XXX 334 fingerprints were searched in the ICE/FBI systems by Immigration and Customs Enforcement officers. On February 22, 2024, Gilberto ROJAS-PEREZ's, DOB: XX/XX/1979, AXXX XXX 334 fingerprints returned with a positive match for Gilberto ROJAS-PEREZ, DOB: XX/XX/1979, AXXX XXX 334, a previously removed non-citizen.
16. The aforementioned detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of non-citizens.
17. On or about February 22, 2024, ICE Officers reviewed immigration file records and Department of Homeland Security electronic records, which revealed that Gilberto ROJAS-PEREZ, AXXX XXX 334, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.
18. Based on the above information, I believe there is probable cause to conclude that Gilberto ROJAS-PEREZ, is a non-citizen, who was found in or reentered the United States on or about February 22, 2024, after deportation or removal on or about September 20, 2022, without the express permission from the

Attorney General of the United States or from the Secretary of the Department of Homeland Security, all in violation of Title 8, United States Code, Section 1326(a).



Hector Rivera, Deportation Officer  
Immigration and Customs Enforcement

Sworn to before me and signed in my  
presence and/or by reliable electronic means.



Anthony P. Patti February 26, 2024  
United States Magistrate Judge